

So the sounds of war are about us. I am hearing the rumblings that our planes and our pilots might start flying soon, that bombs might start dropping soon. Our military people will be engaged in military activities of a war-like nature. Now is the time and here is the place to debate that. We cannot shirk our constitutional responsibilities. The debate should be held this afternoon. The vote should be held, no later than tonight or early tomorrow, on whether or not this Congress will support that kind of activity in Kosovo.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would ask if you will notify me when I have talked 6 minutes.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent to extend the time?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HCFA'S A NO-SHOW

Mr. GRASSLEY. Mr. President, yesterday the Special Committee on Aging, which I chair, held a hearing on the government's oversight role in ensuring quality care in our Nation's nursing homes. The committee has been investigating systemic flaws in nursing home care for two years. A series of reports by the General Accounting Office and the HHS inspector general have now shown this to be a national problem.

The Aging Committee investigates in a bi-partisan manner. The rules of the committee require it. The committee's ranking member, Senator BREAUX, has very ably assisted the committee's work. His insightfulness and interest in issues affecting the elderly population has brought greater credibility to our work.

At yesterday's hearing, we learned much about the breakdown in the complaints process. In other words, when someone makes a formal complaint about the treatment of a loved-one in a nursing home. The various states operate the process. But the federal government has the ultimate responsibility to oversee it to make sure complaints are being addressed.

Yesterday we heard from two citizen witnesses who experienced firsthand a broken-down complaints process. Their stories were tragic, yet real. The committee, the government, and the public learned much from their testimony.

We also heard from the GAO and from the HHS IG.

The committee did not hear from the Health Care Financing Administration,

or HCFA. HCFA is the federal agency charged by law to protect nursing home residents. HCFA must ensure that the enforcement of federal care requirements for nursing homes protects the health, safety, welfare, and rights of nursing home residents. Yet, HCFA was a no-show.

There is a very specific reason for yesterday's hearing, and this series of hearings. It's because the health, safety, welfare, and rights of nursing home residents are at great risk. Yet, the agency responsible was not here.

The committee invited the two private citizens in the public interest. Through their eyes, we saw a complaint process turned upside-down. It's a process that has put some nursing home residents at risk. Their testimony could help correct the process so others don't have to suffer the same wrongful treatment.

The reason HCFA wasn't here is puzzling, given the committee's focus on listening to citizen complaints. HCFA is an agency within the Department of Health and Human Services—HHS. HHS determined that HCFA should not show up because HHS witnesses do not follow citizen witnesses. That's their so-called policy.

In other words, HCFA—the organization that is supposed to serve our elderly citizens by protecting the health, safety, welfare, and rights of nursing home residents—was not here because its protocol prevents them from testifying after citizen witnesses.

Last Friday, when discussing this matter with HHS officials, my staff was told the following: "Our policy is that we testify before citizen witnesses."

Now, I have four comments on this. First, how serious is the Department about the problems we're uncovering in nursing homes when a protocol issue is more important than listening to how their complaints process might be flawed?

Second, I have conducted hearings, in which citizen witnesses go first, since 1983. Other committees have done the same. I don't recall any department at any hearing I conducted since 1983 that became a no-show, even when private citizens testified first. Especially for an issue as important as this.

Third, the Department may be trying to convince the public it cares. But this no-show doesn't help that cause. The public might confuse this with arrogance.

Finally, this situation yesterday could not possibly have illustrated better the main point of the hearing; namely, that citizens' complaints are falling on deaf ears. These witnesses traveled many miles yesterday. They were hoping that government officials—the very officials responsible—would hear their plea. Instead, what did they get? A bureaucratic response. Their agency-protectors were no-shows

because of a protocol. Because of arrogance, perhaps.

So, we'll move forward with yesterday's testimony, learning how the nursing home complaint system is in shambles. And the agency responsible for fixing it wasn't here to listen. Of course, they can read about it once it's in writing—a process they are comfortable with.

Since I have been in the Congress, I have never taken partisan shots at an administration. I believe only in accountability. My heaviest shots were against administrations of my own party. The record reflects that very clearly.

The easy thing to do would be to take partisan pot shots over this. It's much harder to redouble our efforts, in a bipartisan way on the committee—which I intend to do—until HHS and HCFA get the message. When will HHS and HCFA hear what's going on out there in our nation's nursing homes? Perhaps when they learn to listen to the citizens we—all of us in government—serve. Until they get the message, these problems will get worse before they get better.

One key reason why HCFA's presence was important, yesterday, was to nail down just who is in charge. At our hearing last July, Mr. Mike Hash, HCFA's deputy administrator, told the committee that HCFA is responsible for enforcement for nursing homes. Yet in yesterday's written testimony submitted for the record, Mr. Hash says the states have the responsibility.

This needs to be clarified. Who's in charge, here? Is this why we're seeing all these problems in nursing homes? Because no one's in charge?

In my opinion, this matter has to get cleared up at once. Every day that passes means more and more nursing home residents may be at risk. The Department of HHS has to restore public confidence that it truly cares, that it's doing something about it, and that improving nursing home care is a higher priority than protocols for witnesses at a hearing.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.